

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SEAN B. VASQUEZ,

Plaintiff,

vs.

UNION PACIFIC RAILROAD COMPANY, a
Delaware corporation;

Defendant.

8:16CV521

ORDER

This matter is before the Court on Plaintiff's Motion to Strike Defendant's Expert Witness Karen Stricklett ([Filing No. 53](#)) and Plaintiff's Motion to Strike Evidence of Psychological Evaluation Performed by Rosanna M. Jones-Thurman ([Filing No. 65](#)). The undersigned held a telephone conference with counsel of record on March 9, 2018 regarding each of Plaintiff's motions. With the permission of counsel for the parties, the conference was recorded and made on the record.

In advance of the telephone conference, the undersigned reviewed the docket sheet and all pleadings relative to the motions. Having considered all arguments and documents submitted, Plaintiff's motions were denied on the record.

For the reasons stated on the record, the Court finds that Defendant's late disclosure of Karen Stricklett's report was substantially justified and harmless. The Court further finds that Defendant has shown good cause for the timing of the disclosure.

As to Rosanna M. Jones-Thurman, she has not been designated as an expert witness in this case and will not be testifying in this case. Her information was used by Dr. Davis in conducting his Rule 35 examination of Plaintiff.

In the event that Plaintiff believes that an extension of expert witness or discovery deadlines is necessary, Plaintiff shall move for this relief and the Court will adjust deadlines as necessary to accommodate additional expert witnesses by Plaintiff and discovery.

IT IS SO ORDERED.

Dated March 9, 2018.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge